

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Rhon C. Butler,

Plaintiff,

vs.

ORDER

Civil File No. 04-5079 (MJD/FLN)

Lynn Dingle, Warden, et al.,

Defendants.

This matter is before the Court on remand from the United States Court of Appeals for the Eighth Circuit for the limited purpose of determining the appellant Rhon Butler's (Appellant) *in forma pauperis* (IFP) status and assessing the appellate filing fee pursuant to 28 U.S.C. Section 1915. [Docket No. 21]. Appellant has not filed an application for IFP status for the purpose of this appeal. Additionally, pursuant to 28 U.S.C. Section 1915(a)(3) and the Court's Order dated May 2, 2005, [Docket No. 15] the Court finds that Appellant's appeal has not been taken in good faith. The Court thus finds that Appellant is ineligible for IFP status. Appellant is required to prepay the entire appeals fee of \$255.00.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that IFP status as to the Appellant [Docket No. 15] is **DENIED**.

Dated: February 17, 2006

s/ Michael J. Davis
Michael J. Davis
United States District Court Judge